
PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 658) TO AMEND TITLE 49, UNITED STATES CODE, TO AUTHORIZE APPROPRIATIONS FOR THE FEDERAL AVIATION ADMINISTRATION FOR FISCAL YEARS 2011 THROUGH 2014, TO STREAMLINE PROGRAMS, CREATE EFFICIENCIES, REDUCE WASTE, AND IMPROVE AVIATION SAFETY AND CAPACITY, TO PROVIDE STABLE FUNDING FOR THE NATIONAL AVIATION SYSTEM, AND FOR OTHER PURPOSES.

March 30, 2011.—Referred to the House Calendar and ordered to be printed.

MR. WEBSTER, from the Committee on Rules, submitted the following

REPORT

[To accompany H. Res. __]

The Committee on Rules, having had under consideration House Resolution ____, by a record vote of 5 to 4, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 658, the FAA Reauthorization and Reform Act of 2011 under a structured rule. The resolution provides one hour of general debate with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure, 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Science, Space, and Technology, and 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. The resolution waives all points of order against consideration of the bill. The resolution provides that in lieu of the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of

the text of the Rules Committee Print dated March 22, 2011. The amendment in the nature of a substitute shall be considered as read. The resolution waives all points of order against the amendment in the nature of a substitute. The resolution makes in order only those amendments printed in this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in this report are waived. Finally, the resolution provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

Although the rule waives all points of order against consideration of the bill, the Committee is not aware of any points of order. The waiver is prophylactic.

The waiver of all points of order against the Rules Committee Print of H.R. 658 dated March 22, 2011 includes a waiver of clause 5(a) of Rule XXI, prohibiting the consideration of a tax or tariff measure in an amendment to a bill not reported by a committee having jurisdiction over tax or tariff measures. The waiver of all points of order against the Rules Committee Print also includes a waiver of clause 7 of Rule XVI, prohibiting the consideration of non-germane measures. Both waivers are necessary, because the Rules Committee Print incorporates the text of H.R. 970 as ordered reported by the Committee on Science, Space, and Technology and the text of H.R. 1034 as ordered reported by the Committee on Ways and Means.

Although the resolution waives all points of order against the amendments printed in this report, the Committee is not aware of any points of order against the amendments. The waiver of all points of order against the amendments is prophylactic.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee Record Vote No. 58

Motion by Mr. McGovern to report an open rule. Defeated: 4-5

Majority Members	Vote	Minority Members	Vote
Ms. Foxx.....	Nay	Ms. Slaughter.....	Yea
Mr. Woodall.....	Nay	Mr. McGovern.....	Yea
Mr. Scott of South Carolina...	Nay	Mr. Hastings of Florida.....	Yea
Mr. Webster.....	Nay	Mr. Polis.....	Yea
Mr. Dreier, Chairman.....	Nay		

Rules Committee Record Vote No. 59

Motion by Mr. Woodall to report the rule. Adopted: 5-4

Majority Members	Vote	Minority Members	Vote
Ms. Foxx.....	Yea	Ms. Slaughter.....	Nay
Mr. Woodall.....	Yea	Mr. McGovern.....	Nay
Mr. Scott of South Carolina...	Yea	Mr. Hastings of Florida.....	Nay
Mr. Webster.....	Yea	Mr. Polis.....	Nay
Mr. Dreier, Chairman.....	Yea		

SUMMARY OF AMENDMENTS MADE IN ORDER

1. Mica (FL): Would make technical corrections to provisions in the underlying bill, including those related to Residential Through-the-Fence Agreements, ADS-B Readiness Verification, Stage II aircraft noise requirements, Unmanned Aircraft Systems, musical instruments aboard aircraft, and FAA access to criminal records databases. The Amendment also contains provisions regarding public-private partnerships to advance NextGen, protections for voluntary safety data submissions, the European Union Emissions Trading Scheme, the regulation of lithium batteries, agreements at airports for new revenue, liability protections for volunteer pilot organizations, privacy protections for airspace users, FAA contract evaluation considerations, a review of airports' ability to respond to catastrophic flooding, and an extension of the FAA's commercial space regulation authority. (10 minutes)
2. Waters (CA): Would require airport operators, as a condition for receiving grants under the Airport Improvement Program, to consult with representatives of the community surrounding the airport regarding airport operations and their impact on the community. (10 minutes)
3. Pierluisi (PR): Would ensure that airports in Puerto Rico are apportioned amounts under the Airport Improvement Program (AIP), while also remaining eligible for discretionary grants under the Program. (10 minutes)
4. Hirono (HI): Would exempt Hawaii's large and medium hub airports from collecting PFCs from interisland travelers due to the unique everyday travel circumstances the island state presents. Would also change the formula under which Hawaii's annual federal apportionments are reduced when the State's large and medium hub airports collect passenger facility charges from overseas travelers. (10 minutes)
5. Neugebauer (TX): Would direct the Administrator of the Federal Aviation Administration to conduct a feasibility study on the development of an online public resource that would list the location and height of potential low-altitude aviation obstructions, such as guy-wire and free-standing towers. Would also give the Administrator one year to conduct the study and report to Congress. (10 minutes)
6. LoBiondo (NJ): Would allow the FAA to assist in establishing a NextGen Research and Development Center of Excellence. The Center would leverage the FAA's existing centers of excellence program, a program that relies on several university consortia to address ongoing FAA research and development challenges. The Center would provide educational, technical, and analytical assistance to the FAA and other agencies involved in the development of NextGen. (10 minutes)
7. Garrett (NJ), Himes (CT), Andrews (NJ), Engel (NY): Would require the FAA to study alternatives to the New York/New Jersey/Philadelphia airspace redesign to reduce delays at the 4 airports included in the redesign. Would also prohibit the FAA from continuing with the implementation of the airspace redesign until the study is submitted to

Congress. (10 minutes)

8. Filner (CA): Would restrict the carriage of primary, non-rechargeable Lithium-metal batteries and cells on cargo aircraft until safe packaging materials are available -- and proven to contain a fire -- and the cargo aircraft is equipped with an effective fire suppression system. The amendment will also require cargo aircraft be equipped with smoke suppression systems that maintain cockpit visibility sufficient to allow the pilots to see basic flight instruments and the outside environment at all times during emergencies when dense, continuous smoke is in the cockpit. (10 minutes)
9. DeFazio (OR): Would require mechanics at contract repair stations certificated by the Federal Aviation Administration in the U.S. and in foreign countries to undergo the same criminal background checks required for mechanics and other aviation employees at U.S. airports. (10 minutes)
10. Hirono (HI): Would establish an Aviation Rulemaking Committee (ARC) to study and provide regulatory recommendations to the Federal Aviation Administrator to ensure that all certified aircraft is properly equipped with technology that maintains pilot visibility when dense, continuous smoke is present in the cockpit. The ARC would be directed to complete its work in one year and provide its recommendations to the Administrator who must inform Congress of the recommendations and outline what actions the agency will take on the basis of those recommendations. (10 minutes)
11. Jackson Lee (TX) : Would require a minimum of three on duty air traffic controllers. (10 minutes)
12. Miller, Candice (MI): Would direct the FAA to work with various federal agencies to integrate Unmanned Aerial Systems into the National Airspace System more expeditiously. (10 minutes)
13. Woodall (GA): Would prohibit implementation by the FAA of a new rule interpretation relating to 14 CFR 135, sections 263 and 267(d) so far as it relates to air ambulances and air cargo charter pilot rest requirements. Sets the interpretation of those sections at the state they were on January 1, 2011. (10 minutes)
14. Pierluisi (PR): Would authorize the Secretary of Transportation to continue the essential air service program in Puerto Rico following the sunset date of October 1, 2013. The bill authorizes continuation for Alaska and Hawaii. (10 minutes)
15. Schweikert (AZ): Would allow airlines currently operating out of DCA to convert flights to and from large hub airports located within the DCA perimeter to any airport outside of the DCA perimeter. (10 minutes)
16. Richardson (CA): Would require air carriers to provide an option for passengers to receive a notification via electronic service if there are any changes to the status of their flight. (10 minutes)
17. Capuano (MA): Would require greater disclosure of a passenger's baggage fees when a fare is quoted to an airline passenger and require refunds for baggage that is lost, damaged, or delayed. The Secretary of Transportation would prescribe any requirements necessary to implement the baggage fee disclosures by ensuring that necessary information is shared between carriers and ticket agents that have an

already existing agency appointment or contract. (10 minutes)

18. Gingrey (GA), Rokita (IN): Would prohibit FAA employees from using official--taxpayer sponsored--time for union activities during the official work day. It would not repeal the right of any FAA employee to collectively bargain or arbitrate. (10 minutes)
19. Graves (MO): Would clarify Congressional intent of 49 U.S.C. 40116(d)(2)(A)(iv) to prohibit taxes on businesses located at an airport when such revenue is not used for airport purposes. (10 minutes)
20. Sessions (TX): Would prevent any funds from this act to be used to administer or enforce Davis Bacon. (10 minutes)
21. LaTourette (OH), Costello (IL): Would strike section 903. Section 903 repeals a National Mediation Board (NMB) rule, finalized last year, which provides for union representation elections among airline and railroad workers covered by the Railway Labor Act. (10 minutes)
22. Graves (MO): Provides relief for an air show in Cleveland, Ohio from complying with certain airspace restrictions. (10 minutes)
23. Waxman (CA): Would encourage the FAA to work with the City of Santa Monica to achieve safety improvements at Santa Monica Airport, a general aviation facility that has no runway safety areas. (10 minutes)
24. Shuster (PA): Would improve Federal Aviation Administration (FAA) rulemaking activities by requiring the Agency to recognize that the United States aviation industry is composed of a variety of different segments with different operating characteristics and requiring the FAA to tailor regulations to address the unique characteristics of each industry segment. The amendment also requires the FAA to conduct appropriate cost / benefit studies on all proposed regulations and only enact regulations upon a finding that the costs are justified by the benefits. (10 minutes)
25. Moore, Gwen (WI): Would require the Inspector General of the Department of Transportation to report to Congress on the number of new small business concerns, including those owned by veterans and other disadvantaged groups, that participate in the projects carried out throughout the duration of this reauthorization. The report would list the top 25 and bottom 25 large and medium hub airports using such small businesses, assess the reasons why airports have been successful in using such small businesses, and make recommendations to the FAA and Congress on how those successes can be replicated. (10 minutes)
26. Graves (MO): Would prohibit the Federal Aviation Administration from destroying vintage aircraft type certificate data and would require such data to be made available to the public, for non-commercial purposes, upon a Freedom of Information Act Request. (10 minutes)
27. Pearce (NM): Would authorize an equitable transfer of land and property (a road) between Dona Ana County in New Mexico and Verde Corporate Realty Services. Dona Ana County would continue to use the land for airport purposes. (10 minutes)
28. Rothman (NJ): Would ensure local control of weight restrictions that have been in place since 1967 at Teterboro Airport, located in Teterboro, New Jersey. (10 minutes)

29. Schiff (CA), Sherman (CA), Berman (CA): Would allow airports that meet specific requirements – already had at least a partial curfew in effect before the 1990 Airport Noise and Control Act (ANCA) – to implement mandatory nighttime curfews. Would define a nighttime curfew (10 PM to 7 AM), establishes the process for implementing and administering the curfew and is not intended to open the door to any further exemptions from ANCA. (10 minutes)
30. Matheson (UT), Pearce (NM): Would allow the Secretary of Transportation to release any terms, conditions, reservations, or restrictions on deeds which the United States conveyed to an airport, city, county property for airport purposes as long as the release results in furthering other airport purposes. (10 minutes)
31. Waters (CA): Would include Sense of Congress language that the operator of Los Angeles International Airport (LAX) should consult with representatives of the community surrounding LAX regarding LAX operations and expansion plans. (10 minutes)
32. Moore, Gwen (WI): Would give the FAA administrator the authority to conduct demonstration projects in support of “aerotropolis” zones that assist in better coordinating transportation around airports and funding of projects to reduce congestion, improve, and increase the flow of freight and passengers to and through the airport through multiple transportation modes. (10 minutes)
33. Crowley (NY): Would encourage the Port authority of New York and New Jersey and the Philadelphia International Airport to undertake a part 150 noise compatibility study of the airport and airport-related noise emanating from the airports under their jurisdiction on the surrounding communities. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MICA,
JOHN OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

REVISED

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 658
OFFERED BY MR. MICA OF FLORIDA**

Page 30, line 25, insert "or near" after "adjacent to".

Page 31, line 8, after "property owner" insert "(or an association representing such property owner)".

Page 31, line 16, after "property owner" insert "(or an association representing such property owner)".

Page 32, line 2, insert "or near" after "adjacent to".

Page 32, line 12, after "property owner" insert "(or an association representing such property owner)".

Page 87, strike lines 16 through 20 and insert the following:

- 1 (2) READINESS VERIFICATION.—Before the Ad-
- 2 ministrator completes an ADS-B In equipage rule-
- 3 making proceeding or issues and interim or final
- 4 rule pursuant to paragraph (1), the Chief NextGen
- 5 Officer shall verify that—

Page 106, after line 5, insert the following (and conform the table of contents accordingly):

1 **SEC. 220. NEXTGEN PUBLIC-PRIVATE PARTNERSHIPS.**

2 (a) DEVELOPMENT OF PLAN.—Not later than 120
3 days after the date of enactment of this Act, the Adminis-
4 trator of the Federal Aviation Administration shall de-
5 velop a plan to expedite the equipage of general aviation
6 and commercial aircraft with NextGen technologies.

7 (b) CONTENTS.—At a minimum, the plan shall—

8 (1) be based on public-private partnership prin-
9 ciples; and

10 (2) leverage the use of private sector capital.

11 (c) REPORT.—Not later than 150 days after the date
12 of enactment of this Act, the Administrator shall submit
13 to Congress a report containing the plan.

Page 118, strike line 11 and all that follows through
line 5 on page 119 (and redesignate subsequent sections,
and conform the table of contents, accordingly).

Page 130, line 24, strike “44733” and insert
“44732”.

Page 139, line 21, strike “**COMMERCIAL**” and in-
sert “**CIVIL**” (and conform the table of contents accord-
ingly).

Page 140, line 4, strike “commercial” and insert “civil”.

Page 140, line 12, strike “commercial” and insert “civil”.

Page 140, lines 18 and 19, strike “commercial” and insert “civil”.

Page 140, line 20, strike “commercial” and insert “civil”.

Page 141, line 10, strike “commercial” and insert “civil”.

Page 141, line 16, strike “commercial” and insert “civil”.

Page 142, line 10, strike “Secretary” and insert “Secretary of Transportation”.

Page 143, strike line 12, and all that follows through line 10 on page 144 and insert the following:

1 SEC. 324. PUBLIC UNMANNED AIRCRAFT SYSTEMS.

2 (a) GUIDANCE.—Not later than 270 days after the
3 date of enactment of this Act, the Secretary of Transpor-
4 tation shall issue guidance regarding the operation of pub-
5 lic unmanned aircraft systems to—

1 (1) expedite the issuance of a certificate of au-
2 thorization process;

3 (2) provide for a collaborative process with pub-
4 lic agencies to allow for an incremental expansion of
5 access to the national airspace system as technology
6 matures, as the necessary safety analysis and data
7 become available, and until standards are completed
8 and technology issues are resolved;

9 (3) facilitate the capability of public agencies to
10 develop and use test ranges, subject to operating re-
11 strictions required by the Federal Aviation Adminis-
12 tration, to test and operate unmanned aircraft sys-
13 tems; and

14 (4) provide guidance on a public entity's re-
15 sponsibility when operating an unmanned aircraft
16 without a civil airworthiness certificate issued by the
17 Federal Aviation Administration.

18 (b) STANDARDS FOR OPERATION AND CERTIFI-
19 CATION.—Not later than December 31, 2015, the Sec-
20 retary shall develop and implement operational and certifi-
21 cation requirements for operational procedures for public
22 unmanned aircraft systems in the national airspace sys-
23 tem.

24 (c) AGREEMENTS WITH GOVERNMENT AGENCIES.—

1 (1) IN GENERAL.—Not later than 90 days after
2 the date of enactment of this Act, the Secretary
3 shall enter into agreements with appropriate govern-
4 ment agencies to simplify the process for issuing cer-
5 tificates of waiver or authorization with respect to
6 applications seeking authorization to operate public
7 unmanned aircraft systems in the national airspace
8 system.

9 (2) CONTENTS.—The agreements shall—

10 (A) with respect to an application de-
11 scribed in paragraph (1)—

12 (i) provide for an expedited review of
13 the application;

14 (ii) require a decision by the Adminis-
15 trator on approval or disapproval within 60
16 business days of the date of submission of
17 the application; and

18 (iii) allow for an expedited appeal if
19 the application is disapproved;

20 (B) allow for a one-time approval of simi-
21 lar operations carried out during a fixed period
22 of time; and

23 (C) allow a government public safety agen-
24 cy to operate unmanned aircraft weighing 4.4
25 pounds or less, within the line of sight of the

1 operator, less than 400 feet above the ground
2 during daylight conditions, within Class G air-
3 space, outside of 5 statute miles from any air-
4 port, heliport, seaplane base or spaceport, or
5 any location with aviation activities.

Page 144, line 16, insert “not fewer than” before “4
test ranges”

Page 145, line 4, strike “commercial” and insert
“civil”.

Page 157, after line 14, insert the following (and
conform the table of contents accordingly):

6 **SEC. 336. DISCLOSURE AND USE OF INFORMATION.**

7 (a) IN GENERAL.—Chapter 447 (as amended by this
8 Act) is further amended by adding at the end the fol-
9 lowing:

10 **“§ 44734. Disclosure and use of information**

11 “(a) IN GENERAL.—Notwithstanding any other pro-
12 vision of law, and except as provided in this section, the
13 following reports and data shall not be subject to discovery
14 or subpoena or admitted into evidence in a Federal or
15 State court proceeding or considered for other purposes
16 in any such proceeding:

17 “(1) A report developed under the Aviation
18 Safety Action Program.

1 “(2) Data produced or collected under the
2 Flight Operational Quality Assurance Program.

3 “(3) A report developed under the Line Oper-
4 ations Safety Audit Program.

5 “(4) Hazard identification, risk assessment,
6 risk control, and safety assurance data produced or
7 collected for purposes of—

8 “(A) assessing and improving aviation
9 safety; or

10 “(B) developing and implementing a safety
11 management system acceptable to the Adminis-
12 trator.

13 “(5) Reports, analyses, and directed studies
14 based in whole or in part on reports or data de-
15 scribed in paragraphs (1) through (4), including
16 those prepared under the Aviation Safety Informa-
17 tion Analysis and Sharing Program.

18 “(b) PROTECTION OF VOLUNTARILY SUBMITTED IN-
19 FORMATION.—Any report or data described in subsection
20 (a) that is voluntarily provided to the Federal Aviation Ad-
21 ministration shall be considered to be voluntarily sub-
22 mitted information within the meaning of section 40123,
23 and shall not be disclosed to the public pursuant to section
24 552(b)(3)(B) of title 5.

1 “(c) FAA REPORTS.—Notwithstanding any other
2 provision of this section, the Administrator of the Federal
3 Aviation Administration may release documents to the
4 public that include summaries, aggregations, or statistical
5 analyses based on reports or data described in subsection
6 (a).

7 “(d) SAFETY RECOMMENDATIONS.—Nothing in this
8 section shall be construed to prevent the National Trans-
9 portation Safety Board, in connection with an ongoing ac-
10 cident investigation, from referring to relevant information
11 contained in reports or data described in subsection (a)
12 in making safety recommendations.

13 “(e) WAIVER.—Subsection (a) shall not apply with
14 respect to a report developed, or data produced or col-
15 lected, by or on behalf of a person if that person waives
16 the privileges provided under subsection (a). A waiver
17 under this subsection shall be made in writing or occa-
18 sioned by the person’s own use of the information in pre-
19 senting a claim or defense.”.

20 (b) CLERICAL AMENDMENT.—The analysis for such
21 chapter (as amended by this Act) is further amended by
22 adding at the end the following:

“44734. Disclosure and use of information.”.

1 **SEC. 337. LIABILITY PROTECTION FOR PERSONS IMPLE-**
2 **MENTING SAFETY MANAGEMENT SYSTEMS.**

3 (a) IN GENERAL.—Chapter 447 (as amended by this
4 Act) is further amended by adding at the end the fol-
5 lowing:

6 **“§ 44735. Liability protection for persons imple-**
7 **menting safety management systems**

8 “(a) PERSONS IMPLEMENTING SAFETY MANAGE-
9 MENT SYSTEMS.—

10 “(1) IN GENERAL.—Notwithstanding any other
11 provision of law, a person that is required by the
12 Administrator of the Federal Aviation Administra-
13 tion to implement a safety management system may
14 not be held liable for damages in connection with a
15 claim filed in a State or Federal court (including a
16 claim for compensatory, punitive, contributory, or in-
17 demnity damages) relating to the person’s prepara-
18 tion or implementation of, or an event or occurrence
19 contemplated by, the safety management system.

20 “(2) LIMITATION.—Nothing in this section
21 shall relieve a person from liability for damages re-
22 sulting from the person’s own willful or reckless acts
23 or omissions as demonstrated by clear and con-
24 vincing evidence.

25 “(b) ACCOUNTABLE EXECUTIVES.—

1 “(1) IN GENERAL.—Notwithstanding any other
2 provision of law, a person who is employed by a per-
3 son described in subsection (a) and who is respon-
4 sible for performing the functions of an accountable
5 executive pursuant to a safety management system
6 required by the Administrator—

7 “(A) shall be deemed to be acting in the
8 person’s official capacity as an officer or em-
9 ployee of the person described in subsection (a)
10 when performing such functions; and

11 “(B) except as provided in paragraph (2),
12 may not be held personally liable for damages
13 in connection with a claim filed in a State or
14 Federal court (including a claim for compen-
15 satory, punitive, contributory, or indemnity
16 damages) relating to the person’s responsibil-
17 ities pursuant to the safety management sys-
18 tem.

19 “(2) LIMITATION.—Nothing in this subsection
20 shall relieve a person performing the functions of an
21 accountable executive pursuant to a safety manage-
22 ment system from personal liability for damages re-
23 sulting from the person’s willful or reckless acts or
24 omissions as demonstrated by clear and convincing
25 evidence.”.

1 (b) CLERICAL AMENDMENT.—The analysis for such
2 chapter (as amended by this Act) is further amended by
3 adding at the end the following:

“44735. Liability protection for persons implementing safety management systems.”.

Page 170, strike line 13 and all that follows before
line 22 on page 172 and insert the following:

4 **SEC. 424. MUSICAL INSTRUMENTS.**

5 (a) IN GENERAL.—Subchapter I of chapter 417 is
6 amended by adding at the end the following:

7 **“§ 41724. Musical instruments**

8 “(a) IN GENERAL.—

9 “(1) SMALL INSTRUMENTS AS CARRY-ON BAG-
10 GAGE.—An air carrier providing air transportation
11 shall permit a passenger to carry a violin, guitar, or
12 other musical instrument in the aircraft cabin if—

13 “(A) the instrument can be stowed safely
14 in a suitable baggage compartment in the air-
15 craft cabin or under a passenger seat, in ac-
16 cordance with the requirements for carriage of
17 carry-on baggage or cargo established by the
18 Administrator; and

19 “(B) there is space for such stowage at the
20 time the passenger boards the aircraft.

1 “(2) LARGER INSTRUMENTS AS CARRY-ON BAG-
2 GAGE.—An air carrier providing air transportation
3 shall permit a passenger to carry a musical instru-
4 ment that is too large to meet the requirements of
5 paragraph (1) in the aircraft cabin if—

6 “(A) the instrument is contained in a case
7 or covered so as to avoid injury to other pas-
8 sengers;

9 “(B) the weight of the instrument, includ-
10 ing the case or covering, does not exceed 165
11 pounds or the applicable weight restrictions for
12 the aircraft;

13 “(C) the instrument can be stowed in ac-
14 cordance with the requirements for carriage of
15 carry-on baggage or cargo established by the
16 Administrator;

17 “(D) neither the instrument nor the case
18 contains any object not otherwise permitted to
19 be carried in an aircraft cabin because of a law
20 or regulation of the United States; and

21 “(E) the passenger wishing to carry the in-
22 strument in the aircraft cabin has purchased an
23 additional seat to accommodate the instrument.

24 “(3) LARGE INSTRUMENTS AS CHECKED BAG-
25 GAGE.—An air carrier shall transport as baggage a

1 musical instrument that is the property of a pas-
2 senger traveling in air transportation that may not
3 be carried in the aircraft cabin if—

4 “(A) the sum of the length, width, and
5 height measured in inches of the outside linear
6 dimensions of the instrument (including the
7 case) does not exceed 150 inches or the applica-
8 ble size restrictions for the aircraft;

9 “(B) the weight of the instrument does not
10 exceed 165 pounds or the applicable weight re-
11 strictions for the aircraft; and

12 “(C) the instrument can be stowed in ac-
13 cordance with the requirements for carriage of
14 carry-on baggage or cargo established by the
15 Administrator.

16 “(b) REGULATIONS.—Not later than 2 years after
17 the date of enactment of this section, the Secretary shall
18 issue final regulations to carry out subsection (a).

19 “(c) EFFECTIVE DATE.—The requirements of this
20 section shall become effective on the date of issuance of
21 the final regulations under subsection (b).”.

22 (b) CONFORMING AMENDMENT.—The analysis for
23 such subchapter is amended by adding at the end the fol-
24 lowing:

“41724. Musical instruments.”.

Page 205, line 12, strike “2014” and insert “2016”.

Page 210, line 6, strike “and”.

Page 210, line 11, strike the period at the end and insert “; and”.

Page 210, after line 11, insert the following:

1 (3) officials the United States Government, and
2 particularly the Secretary of Transportation and the
3 Administrator of the Federal Aviation Administra-
4 tion, should use all political, diplomatic, and legal
5 tools at the disposal of the United States to ensure
6 that the European Union’s emissions trading scheme
7 is not applied to aircraft registered by the United
8 States or the operators of those aircraft, including
9 the mandates that United States carriers provide
10 emissions data to and purchase emissions allowances
11 from or surrender emissions allowances to the Euro-
12 pean Union Member States.

Page 211, line 9, strike “(a) DISPUTE RESOLUTION.—”.

Page 234, strike line 13 and all that follows before line 7 on page 237 and insert the following (and conform the table of contents accordingly):

1 **SEC. 802. FAA AUTHORITY TO CONDUCT CRIMINAL HIS-**
2 **TORY RECORD CHECKS.**

3 (a) IN GENERAL.—Chapter 401 is amended by add-
4 ing at the end the following:

5 **“§ 40130. FAA authority to conduct criminal history**
6 **record checks**

7 “(a) CRIMINAL HISTORY BACKGROUND CHECKS.—

8 “(1) ACCESS TO INFORMATION.—The Adminis-
9 trator of the Federal Aviation Administration, for
10 certification purposes of the Administration only, is
11 authorized—

12 “(A) to conduct, in accordance with the es-
13 tablished request process, a criminal history
14 background check of an airman in the criminal
15 repositories of the Federal Bureau of Investiga-
16 tion and States by submitting positive identi-
17 fication of the airman to a fingerprint-based re-
18 pository in compliance with section 217 of the
19 National Crime Prevention and Privacy Com-
20 pact Act of 1998 (42 U.S.C. 14616); and

21 “(B) to receive relevant criminal history
22 record information regarding the airman
23 checked.

24 “(2) RELEASE OF INFORMATION.—In accessing
25 a repository referred to in paragraph (1), the Ad-
26 ministrator shall be subject to the conditions and

1 procedures established by the Department of Justice
2 or the State, as appropriate, for other governmental
3 agencies conducting background checks for non-
4 criminal justice purposes.

5 “(3) LIMITATION.—The Administrator may not
6 use the authority under paragraph (1) to conduct
7 criminal investigations.

8 “(4) REIMBURSEMENT.—The Administrator
9 may collect reimbursement to process the finger-
10 print-based checks under this subsection, to be used
11 for expenses incurred, including Federal Bureau of
12 Investigation fees, in providing these services.

13 “(b) DESIGNATED EMPLOYEES.—The Administrator
14 shall designate, by order, employees of the Federal Avia-
15 tion Administration to carry out the authority described
16 in subsection (a).”.

17 (b) CLERICAL AMENDMENT.—The analysis for chap-
18 ter 401 is amended by adding at the end the following:

“40130. FAA authority to conduct criminal history record checks.”.

Page 256, after line 9, insert the following (and con-
form the table of contents accordingly):

19 **SEC. 814. AIR TRANSPORTATION OF LITHIUM CELLS AND**
20 **BATTERIES.**

21 (a) IN GENERAL.—The Administrator of the Federal
22 Aviation Administration may not issue or enforce any reg-

1 ulation or other requirement regarding the transportation
2 by aircraft of lithium metal cells or batteries or lithium
3 ion cells or batteries, whether transported separately or
4 packed with or contained in equipment, if the requirement
5 is more stringent than the requirements of the Inter-
6 national Civil Aviation Organization Technical Instruc-
7 tions for the Safe Transport of Dangerous Goods by Air,
8 2009–2010 edition, as amended (including amendments
9 adopted after the date of enactment of this Act).

10 (b) EXCEPTION.—Notwithstanding subsection (a),
11 the Administrator may enforce the prohibition on trans-
12 porting primary (nonrechargeable) lithium batteries and
13 cells aboard passenger carrying aircraft set forth in special
14 provision A100 of the table contained in section
15 172.102(c)(2) of title 49, Code of Federal Regulations, as
16 in effect on the date of enactment of this Act.

17 **SEC. 815. USE OF MINERAL REVENUE AT CERTAIN AIR-**
18 **PORTS.**

19 (a) IN GENERAL.—Notwithstanding any other provi-
20 sion of law, the Administrator of the Federal Aviation Ad-
21 ministration may declare certain revenue derived from or
22 generated by mineral extraction at a general aviation air-
23 port to be revenue greater than the long-term project, op-
24 eration, maintenance, planning, and capacity needs of the
25 airport.

1 (b) USE OF REVENUE.—Subject to subsection (c), if
2 the Administrator issues a declaration with respect to an
3 airport under subsection (a), the airport sponsor may allo-
4 cate to itself (or to a governing body within the geo-
5 graphical limits of the airport's locality) the revenues iden-
6 tified in the declaration for use in carrying out a Federal,
7 State, or local transportation infrastructure project.

8 (c) CONDITIONS.—Any declaration made under sub-
9 section (a) with respect to an airport shall be subject to
10 the following conditions:

11 (1) In generating revenue from mineral rights
12 extraction, production, lease, or other means, the
13 airport sponsor shall not charge less than fair mar-
14 ket value.

15 (2) The airport sponsor and the Administrator
16 shall agree on a 20-year capital improvement pro-
17 gram that includes, at a minimum, 20-year projected
18 charges, costs, and fees for the development, im-
19 provement, operation, and maintenance of the air-
20 port, with consideration for costs and charges ad-
21 justed for inflation.

22 (3) The airport sponsor shall agree in writing
23 to waive all rights to receive entitlement funds or
24 discretionary funds to be used at the airport under

1 section 47114 or 47115 of title 49, United States
2 Code, for a period of 20 years.

3 (4) The airport sponsor shall comply, during
4 the 20-year period beginning on the date of enact-
5 ment of this Act, with all grant assurance obliga-
6 tions in effect as of such date of enactment for the
7 airport under section 47107 of such title.

8 (5) The airport sponsor shall agree in writing
9 to comply with sections 47107(b) and 47133 of such
10 title, except for any exemptions specifically granted
11 by the Administrator in accordance with this section,
12 in perpetuity.

13 (6) The airport sponsor shall agree in writing
14 to operate the airport as a public-use airport unless
15 the Administrator specifically grants a request to
16 allow the airport to close.

17 (7) The airport sponsor shall create a provi-
18 sional fund for current and future environmental im-
19 pacts, assessments, and any mitigation plans agreed
20 upon with the Administrator.

21 (d) COMPLETION OF DETERMINATION.—The Admin-
22 istrator shall conduct a review and issue a determination
23 under subsection (a) on or before the 90th day following
24 the date of receipt of an airport sponsor's application and
25 requisite documentation.

1 (e) GENERAL AVIATION AIRPORT DEFINED.—In this
2 section, the term “general aviation airport” means an air-
3 port that does not receive scheduled passenger aircraft
4 service.

5 **SEC. 816. LIABILITY PROTECTION FOR VOLUNTEER PILOT**
6 **NONPROFIT ORGANIZATIONS THAT FLY FOR**
7 **PUBLIC BENEFIT AND TO PILOTS AND STAFF**
8 **OF SUCH NONPROFIT ORGANIZATIONS.**

9 Section 4 of the Volunteer Protection Act of 1997
10 (42 U.S.C. 14503) is amended—

11 (1) in subsection (a)(4) by inserting “(unless
12 the volunteer was operating an aircraft in further-
13 ance of the purpose of a volunteer pilot nonprofit or-
14 ganization that flies for public benefit and was prop-
15 erly licensed and insured for the operation of such
16 aircraft)” after “aircraft” ; and

17 (2) by striking subsection (c) and inserting the
18 following:

19 “(c) NO EFFECT ON LIABILITY OF ORGANIZATION
20 OR ENTITY.—

21 “(1) IN GENERAL.—Except as provided in para-
22 graph (2), nothing in this section shall be construed
23 to affect the liability of any nonprofit organization
24 or governmental entity with respect to harm caused
25 to any person.

1 “(2) EXCEPTION.—A volunteer pilot nonprofit
2 organization that flies for public benefit, the staff,
3 mission coordinators, officers, and directors (whether
4 volunteer or otherwise) of such nonprofit organiza-
5 tion, and a referring agency of such nonprofit orga-
6 nization shall not be liable for harm caused to any
7 person by a volunteer of such nonprofit organization
8 while such volunteer—

9 “(A) is operating an aircraft in further-
10 ance of the purpose of such nonprofit organiza-
11 tion;

12 “(B) is properly licensed for the operation
13 of such aircraft; and

14 “(C) has certified to such nonprofit organi-
15 zation that such volunteer has insurance cov-
16 ering the volunteer’s operation of such air-
17 craft.”.

18 **SEC. 817. AIRCRAFT SITUATIONAL DISPLAY TO INDUSTRY.**

19 (a) FINDINGS.—Congress finds the following:

20 (1) The Federal Government’s dissemination to
21 the public of information relating to a noncomm-
22 ercial flight carried out by a private owner or operator
23 of an aircraft, whether during or following the flight,
24 does not serve a public policy objective.

1 (2) Upon the request of a private owner or op-
2 erator of an aircraft, the Federal Government should
3 not disseminate to the public information relating to
4 noncommercial flights carried out by that owner or
5 operator, as the information should be private and
6 confidential.

7 (b) AIRCRAFT SITUATIONAL DISPLAY TO INDUS-
8 TRY.—Upon the request of a private owner or operator
9 of an aircraft, the Administrator of the Federal Aviation
10 Administration shall block, with respect to the non-
11 commercial flights of that owner or operator, the display
12 of that owner or operator's aircraft registration number
13 in aircraft situational display data provided by the Admin-
14 istrator to any entity, except a government agency.

15 **SEC. 818. CONTRACTING.**

16 The Administrator of the Federal Aviation Adminis-
17 tration shall conduct a review and submit to the Com-
18 mittee on Commerce, Science, and Transportation of the
19 Senate and the Committee on Transportation and Infra-
20 structure of the House of Representatives a report de-
21 scribing how the Federal Aviation Administration weighs
22 the economic vitality of a region when considering contract
23 proposals for training facilities under the general con-
24 tracting authority of the Federal Aviation Administration.

1 **SEC. 819. FLOOD PLANNING.**

2 The Administrator of the Federal Aviation Adminis-
3 tration, in consultation with the Administrator of the Fed-
4 eral Emergency Management Agency, shall conduct a re-
5 view and submit to the Committee on Commerce, Science,
6 and Transportation of the Senate and the Committee on
7 Transportation and Infrastructure of the House of Rep-
8 resentatives a report on the state of preparedness and re-
9 sponse capability for airports located in flood plains to re-
10 spond to and seek assistance in rebuilding after cata-
11 strophic flooding.

Page 280, after line 2, insert the following (and con-
form the table of contents accordingly):

12 **TITLE XIII—COMMERCIAL SPACE**

13 **SEC. 1301. COMMERCIAL SPACE LAUNCH LICENSE RE-**
14 **QUIREMENTS.**

15 Section 50905(c)(3) of title 51, United States Code,
16 is amended by striking “the date of enactment of the Com-
17 mercial Space Launch Amendments Act of 2004” and in-
18 serting “the first licensed launch of a space flight partici-
19 pant”.



2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WATERS, MAXINE OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 658
OFFERED BY MS. WATERS OF CALIFORNIA**

Page 29, after line 2, insert the following (and conform subsequent subsections accordingly):

1 (b) CONSULTATION WITH COMMUNITIES.—Section
2 47107(a) is amended—

3 (1) in paragraph (20) by striking “and” at the
4 end;

5 (2) in paragraph (21) by striking the period at
6 the end and inserting “; and”; and

7 (3) by adding at the end the following:

8 “(22) the airport owner or operator will consult
9 on a regular basis regarding airport operations and
10 the impact of such operations on the community
11 with representatives of the community surrounding
12 the airport, including—

13 “(A) residents who are impacted by airport
14 noise and other airport operations; and

15 “(B) any organization, the membership of
16 which includes at least 20 individuals who re-
17 side within 10 miles of the airport, that notifies

- 1 the owner or operator of its desire to be con-
- 2 sulted pursuant to this paragraph.”.



3. **AN AMENDMENT TO BE OFFERED BY RESIDENT
COMMISSIONER PIERLUISI, PEDRO OF PUERTO RICO OR HIS
DESIGNEE, DEBATABLE FOR 10 MINUTES**

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 658
OFFERED BY MR. PIERLUISI OF PUERTO RICO**

Page 40, after line 21, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

1 SEC. 143. PUERTO RICO MINIMUM GUARANTEE.

2 Section 47114 is amended by adding at the end the
3 following:

4 “(g) SUPPLEMENTAL APPORTIONMENT FOR PUERTO
5 RICO.—The Secretary shall apportion amounts for air-
6 ports in Puerto Rico in accordance with this section. This
7 subsection does not prohibit the Secretary from making
8 project grants for airports in Puerto Rico from the discre-
9 tionary fund under section 47115.”.



4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
HIRONO, MAZIE OF HAWAII OR HER DESIGNEE, DEBATABLE
FOR 10 MINUTES

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 658
OFFERED BY MS. HIRONO OF HAWAII**

Page 41, after line 5, insert the following (and re-designate subsequent sections, and conform the table of contents, accordingly):

1 SEC. 144. REDUCING APPORTIONMENTS.

2 Section 47114(f)(1) is amended by striking subpara-
3 graphs (A) and (B) and inserting the following:

4 “(A) in the case of a charge of \$3.00 or
5 less—

6 “(i) except as provided in clause (ii),
7 50 percent of the projected revenues from
8 the charge in the fiscal year but not by
9 more than 50 percent of the amount that
10 otherwise would be apportioned under this
11 section; or

12 “(ii) with respect to an airport in Ha-
13 waii, 50 percent of the projected revenues
14 from the charge in the fiscal year but not
15 by more than 50 percent of the excess of—

1 “(I) the amount that otherwise
2 would be apportioned under this sec-
3 tion; over

4 “(II) the amount equal to the
5 amount specified in subclause (I) mul-
6 tplied by the percentage of the total
7 passenger boardings at the applicable
8 airport that are comprised of inter-
9 island passengers; and

10 “(B) in the case of a charge of more than
11 \$3.00—

12 “(i) except as provided in clause (ii),
13 75 percent of the projected revenues from
14 the charge in the fiscal year but not by
15 more than 75 percent of the amount that
16 otherwise would be apportioned under this
17 section; or

18 “(ii) with respect to an airport in Ha-
19 waii, 75 percent of the projected revenues
20 from the charge in the fiscal year but not
21 by more than 75 percent of the excess of—

22 “(I) the amount that otherwise
23 would be apportioned under this sec-
24 tion; over

1 “(II) the amount equal to the
2 amount specified in subclause (I) mul-
3 tiplied by the percentage of the total
4 passenger boardings at the applicable
5 airport that are comprised of inter-
6 island passengers.”.



5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
NEUGEBAUER, RANDY OF TEXAS OR HIS DESIGNEE,
DEBATABLE FOR 10 MINUTES

14
Revised

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 658
OFFERED BY MR. NEUGEBAUER OF TEXAS**

Beginning on page 101, strike line 3 and all that follows through page 104, line 19 (and redesignate any subsequent sections accordingly).

Page 106, after line 5, insert the following (and conform the table of contents accordingly):

1 **SEC. 2__ . STUDY ON FEASIBILITY OF DEVELOPMENT OF A**
2 **PUBLIC INTERNET WEB-BASED RESOURCE**
3 **ON LOCATIONS OF POTENTIAL AVIATION OB-**
4 **STRUCTIONS.**

5 (a) STUDY.—The Administrator of the Federal Avia-
6 tion Administration shall carry out a study on the feasi-
7 bility of developing a publicly searchable, Internet Web-
8 based resource that provides information regarding the
9 height and latitudinal and longitudinal locations of guy-
10 wire and free-standing tower obstructions.

11 (b) CONSIDERATIONS.—In conducting the study, the
12 Administrator shall consult with affected industries and
13 appropriate Federal agencies.

1 (c) REPORT.—Not later than one year after the date
2 of enactment of this Act, the Administrator shall submit
3 a report to the appropriate committees of Congress on the
4 results of the study.



6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LOBIONDO, FRANK OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 658
OFFERED BY MR. LOBIONDO OF NEW JERSEY**

Page 106, after line 5, insert the following (and conform the table of contents accordingly):

1 **SEC. 220. NEXTGEN RESEARCH AND DEVELOPMENT CEN-**
2 **TER OF EXCELLENCE.**

3 (a) IN GENERAL.—The Administrator of the Federal
4 Aviation Administration may enter into an agreement, on
5 a competitive basis, to assist the establishment of a center
6 of excellence for the research and development of NextGen
7 technologies.

8 (b) FUNCTIONS.—The Administrator shall ensure
9 that the center established under subsection (a)—

10 (1) leverages resources and partnerships, in-
11 cluding appropriate programs of the Administration,
12 to enhance the research and development of
13 NextGen technologies by academia and industry; and

14 (2) provides educational, technical, and analyt-
15 ical assistance to the Administration and other Fed-
16 eral departments and agencies with responsibilities
17 to research and develop NextGen technologies.



7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
GARRETT, SCOTT OF NEW JERSEY OR HIS DESIGNEE,
DEBATABLE FOR 10 MINUTES

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 658
OFFERED BY MR. GARRETT OF NEW JERSEY**

Page 106, after line 5, insert the following:

1 (c) STUDY.—

2 (1) IN GENERAL.—The Administrator shall con-
3 duct a study on additional alternatives to reduce
4 delays at the 4 airports considered under the New
5 York/New Jersey/Philadelphia Metropolitan Rede-
6 sign Record of Decision, published September 5,
7 2007, by the Administration.

8 (2) CONTENTS.—In conducting the study, the
9 Administrator shall determine—

10 (A) the effect on flight delays of the over-
11 scheduling of flights by air carriers; and

12 (B) whether or not altering the size of air-
13 craft used by air carriers would reduce flight
14 delays.

15 (3) REPORT.—The Administrator shall submit
16 to the Committee on Transportation and Infrastruc-
17 ture of the House of Representatives and the Com-
18 mittee on Commerce, Science, and Transportation of

1 the Senate a report on the results of the study under
2 paragraph (1).

3 (d) PROHIBITION.—The Administrator may not con-
4 tinue with the implementation of the preferred alternative
5 for the New York/New Jersey/Philadelphia Metropolitan
6 Area Airspace Redesign until after the last day of the 60-
7 day period beginning on the date the Administrator sub-
8 mits the report required under subsection (c)(3).



8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
FILNER, BOB OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 658
OFFERED BY MR. FILNER OF CALIFORNIA**

Page 120, strike lines 10 through 18 (and redesignate subsequent sections, and conform the table of contents, accordingly).

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

1 SEC. 814. REGULATIONS RELATING TO CERTAIN FIRE DAN-
2 GERS.

3 (a) PRIMARY LITHIUM BATTERIES OR CELLS.—Not
4 later than one year after the date of enactment of this
5 Act, the Administrator of the Federal Aviation Adminis-
6 tration and the Administrator of the Pipeline and Haz-
7 ardous Materials Safety Administration shall jointly issue
8 regulations that prohibit the transportation of primary
9 lithium batteries or cells by means of a covered aircraft
10 until such time as the Administrators—

11 (1) determine that there is available for use—

12 (A) packaging that has been proven to
13 safely contain a fire relating to such batteries
14 or cells; and

1 (B) an aircraft fire detection and suppres-
2 sion system that has been proven to safely de-
3 tect and suppress a fire relating to such bat-
4 teries or cells; or

5 (2) jointly issue regulations that allow the
6 transportation of such batteries or cells by means of
7 a covered aircraft only if—

8 (A) the crew of the aircraft is notified of
9 such transportation;

10 (B) the aircraft is appropriately protected
11 from the dangers of a fire by—

12 (i) packaging described in paragraph
13 (1)(A); and

14 (ii) an aircraft fire detection and sup-
15 pression system described in paragraph
16 (1)(B); or

17 (C) other actions the Administrators deter-
18 mine appropriate for materials treated as haz-
19 ardous are taken.

20 (b) COCKPIT VISIBILITY.—Not later than one year
21 after the date of enactment of this Act, the Administrator
22 of the Federal Aviation Administration shall issue regula-
23 tions that require all covered aircraft to have equipment
24 that maintains visibility in the cockpit, notwithstanding
25 the presence of dense, continuous smoke, sufficient to

1 allow a pilot to see basic flight instruments and the outside
2 environment.

3 (c) DEFINITIONS.—In this section, the following defi-
4 nitions apply:

5 (1) COVERED AIRCRAFT.—The term “covered
6 aircraft” means any aircraft involved in air trans-
7 portation (as that term is defined in section
8 40102(a) of title 49, United States Code).

9 (2) PRIMARY LITHIUM BATTERY OR CELL.—
10 The term “primary lithium battery or cell” means a
11 lithium metal battery or cell that is not designed to
12 be electrically charged or recharged.



9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
DEFAZIO, PETER OF OREGON OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 658
OFFERED BY MR. DEFAZIO OF OREGON**

Page 138, after line 9, insert the following (and conform the table of contents accordingly):

1 SEC. 318. CRIMINAL HISTORY RECORD CHECKS IN DOMESTIC AND FOREIGN REPAIR STATIONS.

2 (a) IN GENERAL.—Chapter 447 (as amended by this
3 Act) is further amended by adding at the end the following:
4
5

6 “§ 44734. Employee criminal history record checks in domestic and foreign repair stations

7 “(a) IN GENERAL.—Not later than one year after the
8 date of enactment of this section, the Administrator of the
9 Federal Aviation Administration shall modify the certification requirements under part 145 of title 14, Code of
10 Federal Regulations, to require each repair station that—
11

12 “(1) is certificated by the Administrator under
13 part 145 of such title 14; and
14

15 “(2) performs work on air carrier aircraft or
16 components,

1 to complete a criminal history record check with respect
2 to any individual who performs a safety-sensitive function
3 at such repair station.

4 “(b) DEFINITIONS.—In subsection (a), the following
5 definitions apply:

6 “(1) INDIVIDUAL.—The term ‘individual’ in-
7 cludes an individual working at a repair station of
8 a third party with which an air carrier contracts to
9 perform work on air carrier aircraft or components.

10 “(2) CRIMINAL HISTORY RECORD CHECK.—The
11 term ‘criminal history record check’ means an inves-
12 tigation to ascertain an individual’s history of crimi-
13 nal convictions, conducted—

14 “(A) in a manner consistent with criminal
15 history record checks carried out under section
16 44936; and

17 “(B) in accordance with the applicable
18 laws of the country in which a repair station is
19 located.

20 “(c) REGULATORY AUTHORITY WITH RESPECT TO
21 CERTAIN FOREIGN REPAIR STATIONS.—With respect to
22 repair stations that are located in countries that are party
23 to the agreement titled ‘Agreement between the United
24 States of America and the European Community on Co-
25 operation in the Regulation of Civil Aviation Safety’, dated

1 June 30, 2008, the requirements of subsection (a) are an
2 exercise of the rights of the United States under para-
3 graph A of Article 15 of the Agreement, which provides
4 that nothing in the Agreement shall be construed to limit
5 the authority of a party to determine, through its legisla-
6 tive, regulatory, and administrative measures, the level of
7 protection it considers appropriate for civil aviation safe-
8 ty.”.

9 (b) CLERICAL AMENDMENT.—The analysis for such
10 chapter (as amended by this Act) is further amended by
11 adding at the end the following:

“44734. Employee criminal history record checks in domestic and foreign repair
stations.”.



10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
HIRONO, MAZIE OF HAWAII OR HER DESIGNEE, DEBATABLE
FOR 10 MINUTES

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 658
OFFERED BY MS. HIRONO OF HAWAII**

Page 138, after line 9, insert the following (and conform the table of contents accordingly):

1 **SEC. 318. COCKPIT SMOKE PREVENTION.**

2 (a) AVIATION RULEMAKING COMMITTEE.—Not later
3 than 90 days after the date of enactment of this Act, the
4 Administrator of the Federal Aviation Administration
5 shall convene an aviation rulemaking committee to make
6 recommendations to the Administrator to ensure that any
7 aircraft certified by the Administrator is properly
8 equipped with technology that maintains pilot visibility
9 when dense, continuous smoke is present in the cockpit
10 of the aircraft.

11 (b) COMPOSITION.—The aviation rulemaking com-
12 mittee shall be composed of subject matter experts, avia-
13 tion labor representatives, and industry stakeholders.

14 (c) DEADLINE FOR RECOMMENDATIONS.—Not later
15 than one year after the date of enactment of this Act, the
16 aviation rulemaking committee shall submit to the Admin-
17 istrator a report containing the committee's findings and
18 recommendations for regulatory action.

1 (d) REPORT TO CONGRESS.—Not later than 60 days
2 following the date of receipt of the committee's report
3 under subsection (c), the Administrator shall submit to
4 Congress a report on—

5 (1) the recommendations of the aviation rule-
6 making committee; and

7 (2) the actions that will be undertaken by the
8 Administrator as a result of those recommendations.



11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE, SHEILA OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 658
OFFERED BY MS. JACKSON LEE OF TEXAS**

Page 138, after line 9, insert the following (and conform the table of contents accordingly):

1 **SEC. 318. MINIMUM STAFFING OF AIR TRAFFIC CONTROL-**
2 **TERS.**

3 (a) IN GENERAL.—The Secretary of Transportation
4 shall take such actions as may be necessary to ensure that,
5 at a covered airport, not fewer than 3 air traffic control-
6 lers are on duty at all times during periods of airfield oper-
7 ations.

8 (b) COVERED AIRPORT.—In this section, the term
9 “covered airport” means the 20 largest airports in the
10 United States, in terms of annual passenger enplanements
11 for the most recent calendar year for which data are avail-
12 able.



12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MILLER, CANDICE OF MICHIGAN OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 658
OFFERED BY MRS. MILLER OF MICHIGAN**

Page 140, line 2, insert after "industry" the following: ", Federal agencies that employ unmanned aircraft systems technology in the national airspace system,".

Page 140, line 23, strike "and".

Page 140, after line 23, insert the following:

- 1 (iii) to develop standards and require-
- 2 ments for unmanned aircraft systems sense
- 3 and avoid performance; and

Page 140, line 24, strike "(iii)" and insert "(iv)".

Page 144, after line 10, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

4 SEC. 325. SAFETY STUDIES.

5 The Administrator of the Federal Aviation Adminis-
6 tration shall carry out all safety studies necessary to sup-

- 1 port the integration of unmanned aircraft systems into the
- 2 national airspace system.



13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
WOODALL, ROB OF GEORGIA OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES

[Discussion Draft]**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 658****OFFERED BY MR. WOODALL OF GEORGIA**

Page 157, after line 14, insert the following (and conform the table of contents accordingly):

1 **SEC. 3** **CERTAIN EXISTING FLIGHT TIME LIMITATIONS**
2 **AND REST REQUIREMENTS.**

3 (a) IN GENERAL.—Notwithstanding any interpreta-
4 tion issued by the Administrator of the Federal Aviation
5 Administration, the requirements regarding sections 263
6 and 267(d) of part 135 of title 14, Code of Federal Regu-
7 lations, for part 135 certificate holders providing air am-
8 bulance services and pilots and flight crewmembers of all-
9 cargo aircraft regarding certain flight times and rest peri-
10 ods shall remain in effect as such requirements were in
11 effect on January 1, 2011 .

12 (b) RESTRICTION ON REGULATIONS.—The Adminis-
13 trator may not issue, finalize, or implement a rule regard-
14 ing sections 263 and 267(d) of part 135 of title 14, Code
15 of Federal Regulations, as proposed in docket No. FAA-
16 2010-1259, Interpretations of Rest Requirements, pub-
17 lished in the Federal Register on December 23, 2010, or

- 1 any similar rule regarding such sections for part 135 cer-
- 2 tificate holders providing air ambulance services and pilots
- 3 and flight crewmembers of all-cargo aircraft.



14. AN AMENDMENT TO BE OFFERED BY RESIDENT
COMMISSIONER PIERLUISI, PEDRO OF PUERTO RICO OR HIS
DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 658
OFFERED BY MR. PIERLUISI OF PUERTO RICO**

Page 161, line 18, strike "Alaska and Hawaii" and
insert "Alaska, Hawaii, and Puerto Rico".

Page 164, line 19, strike "ALASKA AND HAWAII"
and insert "ALASKA, HAWAII, AND PUERTO RICO".

Page 164, line 21, strike "Alaska and Hawaii" and
insert "Alaska, Hawaii, and Puerto Rico".



15. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHWEIKERT, DAVID OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 658
OFFERED BY MR. SCHWEIKERT OF ARIZONA**

Page 170, after line 12, insert the following:

1 (e) EXTENDING LENGTH OF FLIGHTS FROM RON-
2 ALD REAGAN WASHINGTON NATIONAL AIRPORT.—Sec-
3 tion 41718 (as amended by subsection (d)(1) of this sec-
4 tion) is further amended by adding at the end the fol-
5 lowing:

6 “(h) USE OF AIRPORT SLOTS FOR BEYOND PERIM-
7 ETER FLIGHTS.—Notwithstanding section 49109 or any
8 other provision of law, any air carrier that holds or oper-
9 ates air carrier slots at Ronald Reagan Washington Na-
10 tional Airport as of January 1, 2011, pursuant to subparts
11 K and S of part 93 of title 14, Code of Federal Regula-
12 tions, which are being used as of that date for scheduled
13 service between that airport and a large hub airport may
14 use such slots for service between Ronald Reagan Wash-
15 ington National Airport and any airport located outside
16 of the perimeter restriction described in section 49109, ex-
17 cept that an air carrier may not use multi-aisle or

- 1 widebody aircraft to provide the service authorized by this
- 2 subsection.”.



16. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
RICHARDSON, LAURA OF CALIFORNIA OR HER DESIGNEE,
DEBATABLE FOR 10 MINUTES

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 658
OFFERED BY MS. RICHARDSON OF CALIFORNIA**

Page 173, at the end of the matter following line 2,
insert the following:

“42304. Notification of flight status by text message or email.

Page 179, line 23, strike the closing quotation
marks and the final period and insert the following:

**1 “§ 42304. Notification of flight status by text message
2 or email**

3 “Not later than 180 days after the date of enactment
4 of this section, the Secretary of Transportation shall issue
5 regulations to require that each air carrier that has at
6 least one percent of total domestic scheduled-service pas-
7 senger revenue provide each passenger of the carrier—

8 “(1) an option to receive a text message or
9 email or any other comparable electronic service,
10 subject to any fees applicable under the contract of
11 the passenger for the electronic service, from the air
12 carrier as a means of notification of any change in
13 the status of the flight of the passenger whenever

- 1 the flight status is changed before the boarding
- 2 process for the flight commences; and
- 3 “(2) the notification if the passenger requests
- 4 the notification.”.



17. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
CAPUANO, MICHAEL OF MASSACHUSETTS OR HIS DESIGNEE,
DEBATABLE FOR 10 MINUTES

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 658
OFFERED BY MR. CAPUANO OF MASSACHUSETTS**

Page 189, after line 13, insert the following (and conform the table of contents accordingly):

1 SEC. 434. BAGGAGE FEE REFUNDS.

2 An air carrier that collects a fee from a passenger
3 for checked baggage on a flight operated by the carrier
4 in scheduled passenger air transportation or intrastate air
5 transportation shall refund the fee, not later than 60 days
6 after the date of the flight, if the baggage is lost, delayed,
7 or damaged. A refund required under this section shall
8 be in addition to compensation required under any other
9 provision of law.

**10 SEC. 435. NOTIFICATION REQUIREMENTS REGARDING THE
11 SALE OF AIRLINE TICKETS.**

12 (a) NOTICE OF FEES.—Section 41712 is amended by
13 adding at the end the following:

14 “(d) NOTICE OF FEES.—

15 “(1) IN GENERAL.—It shall be an unfair or de-
16 ceptive practice under subsection (a) for any ticket
17 agent, air carrier, foreign air carrier, or other person
18 offering to sell tickets for air transportation on a

1 flight of an air carrier or foreign air carrier to fail
2 to disclose, whether verbally in oral communication
3 or in writing in written or electronic communication,
4 prior to the purchase of a ticket, the cost of check-
5 ing one or more pieces of baggage on the flight.

6 “(2) INTERNET OFFERS.—In the case of an
7 offer to sell tickets described in paragraph (1) on an
8 Internet Web site, disclosure of the information re-
9 quired by paragraph (1) shall be provided by—

10 “(A) requesting the individual purchasing
11 the ticket to indicate the number of bags the in-
12 dividual intends to check on the flight, when the
13 individual is providing other flight and airport
14 information; and

15 “(B) informing the individual of the cost
16 associated with checking such baggage when a
17 fare quote is first provided.”.

18 (b) SHARING OF INFORMATION.—To carry out the
19 amendment made by subsection (a), the Secretary of
20 Transportation shall prescribe any requirements necessary
21 to ensure that consumers are provided with information
22 about baggage fees prior to the sale of a ticket, including
23 requiring that pertinent information is adequately shared
24 between carriers and ticket agents with which carriers
25 have an agency appointment or other contract.

1 (c) CONTRACTUAL RELATIONSHIPS.—Nothing in this
2 section, including the amendments by this section, shall
3 be construed to require—

4 (1) an air carrier or foreign air carrier to enter
5 into an agency appointment or other contract with
6 a ticket agent; or

7 (2) an air carrier or foreign air carrier to pro-
8 vide information to a ticket agent with which the
9 carrier does not have an agency appointment or
10 other contract.



18. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
GINGREY, PHIL OF GEORGIA OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 658
OFFERED BY MR. GINGREY OF GEORGIA**

Page 216, after line 2, insert the following:

1 (b) LABOR MANAGEMENT RELATIONS.—

2 (1) EXCLUSION FROM THE EXCEPTION.—Sec-
3 tion 40122(g)(2)(C) is amended by inserting after
4 “chapter 71” the following: “(other than subsections
5 (a), (c) and (d) of section 7131)”.

6 (2) EFFECTIVE DATE.—The amendment made
7 by paragraph (1) shall take effect on the date of en-
8 actment of this Act, except that such amendment
9 shall not have the effect of causing official time to
10 be denied or otherwise made unavailable for pur-
11 poses of—

12 (A) the negotiation of a collective bar-
13 gaining agreement, if commenced before such
14 date of enactment;

15 (B) any proceeding before the Federal
16 Labor Relations Authority, if commenced before
17 such date of enactment; or

18 (C) any other matter pending on such date
19 of enactment, in connection with which any offi-

- 1 cial time has been used or granted before such
- 2 date.



19. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
GRAVES, SAM OF MISSOURI OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES

Revised

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 658
OFFERED BY MR. GRAVES OF MISSOURI**

Page 234, after line 1, insert the following (and re-designate subsequent sections, and conform the table of contents, accordingly):

1 SEC. 801. STATE TAXATION.

2 Section 40116(d)(2)(A)(iv) is amended to read as fol-
3 lows:

4 “(iv) levy or collect a tax, fee, or charge, first
5 taking effect after the date of enactment of the FAA
6 Reauthorization and Reform Act of 2011, upon any
7 business located at a commercial service airport or
8 operating as a permittee of such an airport other
9 than a tax, fee, or charge that is—

10 “(I) generally imposed on sales or services
11 by that jurisdiction; or

12 “(II) utilized for purposes specified under
13 section 47107(b).”.



20. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
SESSIONS, PETE OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR
10 MINUTES

AMENDMENT TO THE RULES COMMITTEE PRINT
H.R. 658
OFFERED BY MR. SESSIONS OF TEXAS

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

1 SEC. 814. NONAPPLICATION OF DAVIS-BACON.

2 None of the funds made available under this Act (or
3 an amendment made by this Act) may be used to admin-
4 ister or enforce the wage-rate requirements of subchapter
5 IV of chapter 31 of part A of subtitle II of title 40, United
6 States Code (commonly referred to as the "Davis-Bacon
7 Act"), with respect to any project or program funded
8 under this Act (or amendment).



21. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
LATOURETTE, STEVEN OF OHIO OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 658**

**OFFERED BY MR. LATOURETTE OF OHIO AND MR.
COSTELLO OF ILLINOIS**

Page 259, strike line 21 and all that follows through
line 2 on page 260 (and conform the table of contents
accordingly).



**22. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
GRAVES, SAM OF MISSOURI OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES**

Revised

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 658
OFFERED BY MR. GRAVES OF MISSOURI**

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

**1 SEC. 814. TERMINATION OF CERTAIN RESTRICTIONS FOR
2 BURKE LAKEFRONT AIRPORT.**

3 Notwithstanding section 521 of title V of division F
4 of Public Law 108-199 (118 Stat. 343) and any restriction in Federal Aviation Administration Flight Data Center Notice to Airmen 9/5151, the Administrator of the
5 Federal Aviation Administration may not prohibit or impose airspace restrictions with respect to an air show or
6 other aerial event located at the Burke Lakefront Airport
7 in Cleveland, Ohio, due to an event at a stadium or other
8 venue occurring at the same time, except that the Administrator may prohibit any aircraft from flying directly over
9 the applicable stadium or other venue.
10
11
12
13



23. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
WAXMAN, HENRY OF CALIFORNIA OR HIS DESIGNEE,
DEBATABLE FOR 10 MINUTES

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 658
OFFERED BY MR. WAXMAN OF CALIFORNIA**

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

1 SEC. 814. SANTA MONICA AIRPORT, CALIFORNIA.

2 It is the sense of Congress that the Administrator
3 of the Federal Aviation Administration should enter into
4 good faith discussions with the city of Santa Monica, California,
5 to achieve runway safety area solutions consistent
6 with Federal Aviation Administration design guidelines to
7 address safety concerns at Santa Monica Airport.



24. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SHUSTER, BILL OF PENNSYLVANIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 658
OFFERED BY MR. SHUSTER OF PENNSYLVANIA**

At the end of title VIII of the bill, insert the following:

1 **SEC. 8 ISSUING REGULATIONS.**

2 Section 106(f)(3)(A) is amended—

3 (1) by inserting “(i)” before the first sentence;

4 and

5 (2) by adding at the end the following:

6 “(ii) Before proposing or issuing a
7 regulation, the Administrator shall:

8 “(I) Analyze the different indus-
9 try segments and tailor any regula-
10 tions to the characteristics of each
11 separate segment (as determined by
12 the Administrator), taking into ac-
13 count that the United States aviation
14 industry is composed of different seg-
15 ments, with differing operational char-
16 acteristics.

17 “(II) Perform the following anal-
18 yses for each industry segment:

1

“(aa) Identify and assess

2

the alternative forms of regula-

3

tion and, to the extent feasible,

4

specify performance objectives,

5

rather than a specific means of

6

compliance.

7

“(bb) Assess the costs and

8

benefits and propose or adopt a

9

regulation only upon a reasoned

10

determination that the benefits of

11

the intended regulation justify its

12

costs.

13

“(cc) Ensure that the pro-

14

posed regulation is based on the

15

best reasonably obtainable sci-

16

entific, technical, and other infor-

17

mation relating to the need for,

18

and consequences of, the regula-

19

tion.

20

“(dd) Assess any adverse ef-

21

fects on the efficient functioning

22

of the economy, private markets

23

(including productivity, employ-

24

ment, and competitiveness) to-

1

gether with a quantification of

2

such costs.”.



**25. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
MOORE, GWEN OF WISCONSIN OR HER DESIGNEE, DEBATABLE
FOR 10 MINUTES**

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 658
OFFERED BY MS. MOORE OF WISCONSIN**

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

1 **SEC. 814. INSPECTOR GENERAL REPORT ON PARTICIPA-**
2 **TION IN FAA PROGRAMS BY DISADVANTAGED**
3 **SMALL BUSINESS CONCERNS.**

4 (a) IN GENERAL.—For each of fiscal years 2011
5 through 2014, the Inspector General of the Department
6 of Transportation shall submit to Congress a report on
7 the number of new small business concerns owned and
8 controlled by socially and economically disadvantaged indi-
9 viduals, including those owned by veterans, that partici-
10 pated in the programs and activities funded using the
11 amounts made available under this Act.

12 (b) NEW SMALL BUSINESS CONCERNS.—For pur-
13 poses of subsection (a), a new small business concern is
14 a small business concern that did not participate in the
15 programs and activities described in subsection (a) in a
16 previous fiscal year.

17 (c) CONTENTS.—The report shall include—

1 (1) a list of the top 25 and bottom 25 large and
2 medium hub airports in terms of providing opportu-
3 nities for small business concerns owned and con-
4 trolled by socially and economically disadvantaged
5 individuals to participate in the programs and activi-
6 ties funded using the amounts made available under
7 this Act;

8 (2) the results of an assessment, to be con-
9 ducted by the Inspector General, on the reasons why
10 the top airports have been successful in providing
11 such opportunities; and

12 (3) recommendations to the Administrator of
13 the Federal Aviation Administration and Congress
14 on methods for other airports to achieve results
15 similar to those of the top airports.



26. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
GRAVES, SAM OF MISSOURI OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 658
OFFERED BY MR. GRAVES OF MISSOURI**

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

1 SEC. 814. HISTORICAL AIRCRAFT DOCUMENTS.

2 (a) PRESERVATION OF DOCUMENTS.—

3 (1) IN GENERAL.—The Administrator of the
4 Federal Aviation Administration shall take such actions as the Administrator determines necessary to
5 preserve original aircraft type certificate engineering
6 and technical data in the possession of the Federal
7 Aviation Administration related to—

8 (A) approved aircraft type certificate numbers ATC 1 through ATC 713; and

9 (B) Group-2 approved aircraft type certificate numbers 2–1 through 2–554.

10 (2) REVISION OF ORDER.—Not later than one
11 year after the date of enactment of this Act, the Administrator shall revise FAA Order 1350.15C, Item
12 Number 8110. Such revision shall prohibit the destruction of the historical aircraft documents identified in paragraph (1).

1 (3) CONSULTATION.—The Administrator may
2 carry out paragraph (1) in consultation with the Ar-
3 chivist of the United States and the Administrator
4 of General Services.

5 (b) AVAILABILITY OF DOCUMENTS.—

6 (1) FREEDOM OF INFORMATION ACT RE-
7 QUESTS.—The Administrator shall make the docu-
8 ments to be preserved under subsection (a)(1) avail-
9 able to a person—

10 (A) upon receipt of a request made by the
11 person pursuant to section 552 of title 5,
12 United States Code; and

13 (B) subject to a prohibition on use of the
14 documents for commercial purposes.

15 (2) TRADE SECRETS, COMMERCIAL, AND FINAN-
16 CIAL INFORMATION.—Section 552(b)(4) of such title
17 shall not apply to requests for documents to be made
18 available pursuant to paragraph (1).

19 (c) HOLDER OF TYPE CERTIFICATE.—

20 (1) RIGHTS OF HOLDER.—Nothing in this sec-
21 tion shall affect the rights of a holder or owner of
22 a type certificate identified in subsection (a)(1), nor
23 require the holder or owner to provide, surrender, or
24 preserve any original or duplicate engineering or

1 technical data to the Federal Aviation Administra-
2 tion, a person, or the public.

3 (2) LIABILITY.—There shall be no liability on
4 the part of, and no cause of action of any nature
5 shall arise against, a holder of a type certificate, its
6 authorized representative, its agents, or its employ-
7 ees, or any firm, person, corporation, or insurer re-
8 lated to the type certificate data and documents
9 identified in subsection (a)(1).

10 (3) AIRWORTHINESS.—Notwithstanding any
11 other provision of law, the holder of a type certifi-
12 cate identified in subsection (a)(1) shall not be re-
13 sponsible for any continued airworthiness or Federal
14 Aviation Administration regulatory requirements to
15 the type certificate data and documents identified in
16 subsection (a)(1).



27. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
PEARCE, STEVAN OF NEW MEXICO OR HIS DESIGNEE,
DEBATABLE FOR 10 MINUTES

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 658
OFFERED BY MR. PEARCE OF NEW MEXICO**

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

1 SEC. 814. DOÑA ANA COUNTY, NEW MEXICO.

2 (a) RELEASE FROM RESTRICTIONS.—Notwith-
3 standing section 16 of the Federal Airport Act (as in ef-
4 fect on August 4, 1982) or sections 47125 and 47153 of
5 title 49, United States Code, the Secretary of Transpor-
6 tation is authorized, subject to subsection (b), to grant
7 releases from any of the terms, conditions, reservations,
8 and restrictions contained in the deed of conveyance num-
9 bered 30-82-0048 and dated August 4, 1982, under
10 which the United States conveyed certain land to Doña
11 Ana County, New Mexico, for airport purposes.

12 (b) CONDITIONS.—Any release granted by the Sec-
13 retary under subsection (a) shall be subject to the fol-
14 lowing conditions:

15 (1) The County shall agree that in conveying
16 any interest in the land that the United States con-
17 veyed to the County by the deed described in sub-

1 section (a), the County shall receive an amount for
2 the interest that is equal to the fair market value.

3 (2) Any amount received by the County for the
4 conveyance shall be used by the County for the de-
5 velopment, improvement, operation, or maintenance
6 of the airport.



28. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
ROTHMAN, STEVEN OF NEW JERSEY OR HIS DESIGNEE,
DEBATABLE FOR 10 MINUTES

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 658
OFFERED BY MR. ROTHMAN OF NEW JERSEY**

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

1 SEC. 814. WEIGHT RESTRICTIONS AT TETERBORO AIRPORT.

2 On and after the date of enactment of this Act, the
3 Administrator of the Federal Aviation Administration is
4 prohibited from taking actions designed to challenge or influence
5 weight restrictions or prior permission rules at
6 Teterboro Airport in Teterboro, New Jersey, except in an
7 emergency.



29. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
SCHIFF, ADAM OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 658
OFFERED BY MR. SCHIFF OF CALIFORNIA**

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

1 SEC. 814. MANDATORY NIGHTTIME CURFEWS.

2 (a) IN GENERAL.—Notwithstanding any other provi-
3 sion of law, including any written assurances under section
4 47107 of title 49, United States Code, an airport sponsor
5 may not be prohibited from, or interfered with, imple-
6 menting any of the following:

7 (1) A total mandatory nighttime curfew for an
8 airport of the sponsor that is described in paragraph
9 (1) of subsection (b).

10 (2) A partial mandatory nighttime curfew for
11 an airport of the sponsor that is described in para-
12 graph (2) of subsection (b).

13 (b) COVERED AIRPORTS.—

14 (1) PARAGRAPH (1) AIRPORTS.—An airport de-
15 scribed in this paragraph is an airport that—

16 (A) had a voluntary curfew in effect for
17 certain aircraft on November 5, 1990; and

1 (B) was created by an intergovernmental
2 agreement established pursuant to a State stat-
3 ute enacted before November 5, 1990, that,
4 along with the statute, imposes obligations with
5 respect to noise mitigation.

6 (2) PARAGRAPH (2) AIRPORTS.—An airport de-
7 scribed in this paragraph is an airport that—

8 (A) had a partial curfew in effect prior to
9 November 5, 1990;

10 (B) operates under the supervision of a
11 board of airport commissioners that, on Janu-
12 ary 1, 2010, oversaw operation of 3 or more
13 airports, at least 2 of which have airport oper-
14 ating certificates pursuant to part 139 of title
15 14, Code of Federal Regulations; and

16 (C) on January 1, 2010, failed to comply
17 with a cumulative noise standard established by
18 a State law for airports in that State.

19 (c) NOTICE REQUIREMENTS.—

20 (1) IN GENERAL.—At least 90 days before im-
21 plementing a curfew under subsection (a), an airport
22 sponsor shall provide to airport users and other in-
23 terested parties reasonable notice of—

24 (A) the terms of the curfew; and

25 (B) the penalties for violating the curfew.

1 (2) REASONABLE NOTICE.—An airport sponsor
2 shall be treated as satisfying the requirement of pro-
3 viding reasonable notice under paragraph (1) if the
4 sponsor—

5 (A) includes the terms of the curfew and
6 penalties for violating the curfew on the Inter-
7 net Web site of the sponsor for the applicable
8 airport; and

9 (B) provides the terms of the curfew and
10 penalties for violating the curfew to tenants of
11 the sponsor who operate aircraft at the airport,
12 either at their leasehold or the address provided
13 to the airport sponsor for the receipt of notices
14 under their lease.

15 (d) DEFINITIONS.—In this section, the following defi-
16 nitions apply:

17 (1) TOTAL MANDATORY NIGHTTIME CURFEW.—
18 The term “total mandatory nighttime curfew”
19 means a prohibition on all aircraft operations at an
20 airport each night during the 9-hour period begin-
21 ning at 10 p.m.

22 (2) PARTIAL MANDATORY NIGHTTIME CUR-
23 FEW.—The term “partial mandatory nighttime cur-
24 few” means a prohibition on certain aircraft oper-

- 1 ations at an airport each night for not longer than
- 2 the 9-hour period beginning at 10 p.m.



30. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
MATHESON, JIM OF UTAH OR HIS DESIGNEE, DEBATABLE FOR
10 MINUTES

REVISED

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 658
OFFERED BY MR. MATHESON OF UTAH AND MR.
PEARCE OF NEW MEXICO**

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

1 SEC. 814. RELEASE FROM RESTRICTIONS.

2 (a) IN GENERAL.—Subject to subsection (b), the Sec-
3 retary of Transportation is authorized to grant to any air-
4 port, city, or county a release from any of the terms, con-
5 ditions, reservations, or restrictions contained in a deed
6 under which the United States conveyed to the airport,
7 city, or county property for airport purposes pursuant to
8 section 16 of the Federal Airport Act (as in effect on Au-
9 gust 28, 1973) or section 23 of the Airport and Airway
10 Development Act.

11 (b) CONDITION.—Any release granted by the Sec-
12 retary of Transportation pursuant to subsection (a) shall
13 be subject to the following conditions:

14 (1) The applicable airport, city, or county shall
15 agree that in conveying any interest in the property
16 which the United States conveyed to the airport,
17 city, or county, the airport, city, or county will re-

1 ceive an amount for such interest that is equal to its
2 fair market value.

3 (2) Any amount received by the airport, city, or
4 county under paragraph (1) shall be used exclusively
5 for the development, improvement, operation, or
6 maintenance of a public airport by the airport, city,
7 or county.

8 (3) Any other conditions required by the Sec-
9 retary and in accordance with title 49, United States
10 Code.



31. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
WATERS, MAXINE OF CALIFORNIA OR HER DESIGNEE,
DEBATABLE FOR 10 MINUTES

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 658
OFFERED BY MS. WATERS OF CALIFORNIA**

At the end of title VIII of the bill, insert the following (and conform the table of contents accordingly):

1 SEC. 8. SENSE OF CONGRESS.

2 It is the sense of Congress that Los Angeles World
3 Airports, the operator of Los Angeles International Air-
4 port (LAX)—

5 (1) should consult on a regular basis with rep-
6 resentatives of the community surrounding the air-
7 port regarding—

8 (A) the ongoing operations of LAX; and

9 (B) plans to expand, modify, or realign
10 LAX facilities; and

11 (2) should include in such consultations any or-
12 ganization, the membership of which includes at
13 least 20 individuals who reside within 10 miles of
14 the airport, that notifies Los Angeles World Airports
15 of its desire to be included in such consultations.



32. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
MOORE, GWEN OF WISCONSIN OR HER DESIGNEE, DEBATABLE
FOR 10 MINUTES

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 658
OFFERED BY MS. MOORE OF WISCONSIN**

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

1 **SEC. 814. DEVELOPMENT OF AEROTROPOLIS ZONES**
2 **AROUND AIRPORTS.**

3 (a) IN GENERAL.—The Administrator of the Federal
4 Aviation Administration may establish a program in support of the development of aerotropolis zones around medium and large hub airports.

7 (b) DEMONSTRATION PROJECTS.—Under the program, the Administrator may carry out demonstration projects in not more than 5 locations. In selecting such locations, the Administrator shall seek a mix of medium and large hub airports.

12 (c) ACTIVITIES.—In carrying out a project with respect to an airport under the program, the Administrator shall undertake activities designed to—

15 (1) encourage freight and passenger rail companies to support the development of those facilities at or near the airport to reduce congestion and improve

1 the flow of freight and passengers to and through
2 the airport;

3 (2) reduce traffic congestion on roadways serv-
4 ing the airport to improve the flow of passengers
5 and freight to and through the airport; and

6 (3) integrate airport planning and development
7 efforts with businesses and municipalities located
8 near the airport to maximize economic development
9 opportunities that rely on the airport as a transpor-
10 tation hub.

11 (d) REPORTS.—If the Administrator decides not to
12 carry out demonstration projects under the program in a
13 fiscal year, the Administrator, on or before the last day
14 of that fiscal year, shall submit to Congress a report con-
15 taining an explanation for the Administrator's decision.

16 (e) FUNDING.—For each of fiscal years 2011 through
17 2014, the Administrator may use amounts made available
18 under section 106(k) of title 49, United States Code, for
19 operations of the Federal Aviation Administration to carry
20 out this section.



33. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
CROWLEY, JOSEPH OF NEW YORK OR HIS DESIGNEE,
DEBATABLE FOR 10 MINUTES

**AMENDMENT TO THE RULES COMMITTEE PRINT
TO H.R. 658
OFFERED BY MR. CROWLEY OF NEW YORK**

At the end of title VIII of the bill, insert the following (and conform the table of contents accordingly):

1 SEC. 8. SENSE OF THE HOUSE OF REPRESENTATIVES.

2 It is the sense of the House of Representatives that—

3 (1) the Port Authority of New York and New
4 Jersey, and the Philadelphia International Airport
5 should undertake an airport noise compatibility
6 planning study under part 150 of title 14, Code of
7 Federal Regulations;

8 (2) the Port Authority and the Philadelphia
9 International Airport should pay particular attention
10 to the compatibility of land use and impact of noise
11 on affected neighborhoods, including homes, schools,
12 and places of worship in communities surrounding
13 LaGuardia Airport, Newark Liberty Airport, JFK
14 Airport, and Philadelphia International Airport; and

15 (3) until such time as the Port Authority of
16 New York and New Jersey and the Philadelphia
17 International Airport completes a noise compatibility
18 study under part 150 of title 14, Code of Federal

1 Regulations, and has such study approved, the Sec-
2 retary of Transportation may incur obligations to
3 make grants from amounts made available under
4 section 48104 of title 49, United States Code.

